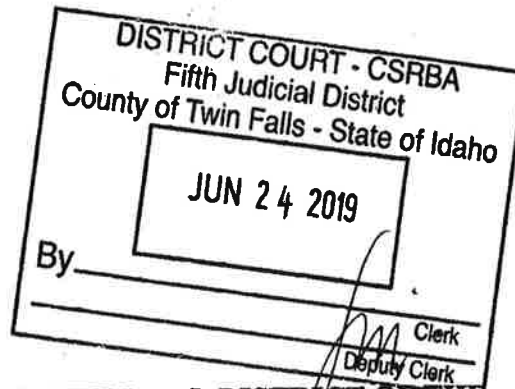




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re CSRBA

Case No. 49576

A.

Subcase

95-15526

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Dana Johnson

Address:

2336 Forest Vale Dr

Twin Falls ID 83301

Daytime Phone:

(208) 734-4620

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Coeur d'Alene - Spokane River Basin

Address:

253 Third Avenue North P.O. Box 2707

Twin Falls ID 83303-2707

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.080 or 26,000 gallons per day
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** A water easement was enacted and recorded on February 19, 1992 between our property and the neighboring property to the West. (attached plat map) Also attached is a copy of the recorded easement.

F.

VERIFICATION (must be completed)

State of Idaho

)ss.

County of Kootenai

Dana Johnson, duly sworn, upon oath, deposes and says:
(Name of Person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Dana Johnson
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 21st 2019



[Signature]
Notary Public for Twin Falls

Residing at: 647 Frier Ave #101

My Commission Expires: 06/06/2020

INSTRUCTIONS FOR MAILING

You must mail the Objection to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 21, 2019, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Nick & Sherri Skladany
Address: 15806 East 23rd Ave
Spokane Valley WA 99037

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010


Signature of Objector or attorney
mailing on Objector's behalf

Kootenai County, Idaho



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
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THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED HEREIN.

Map Revisions

03/11/08 - ET
48N03W06S20E18S subdivided as Subd 21028 (89)
03/24/11 - WNW
Twp20S06E County Sub Divs combined as 48N03W06S20E5 (11)
01/18/14 - WNW
48N03W06S20E subdivided as Twp20S27E (14)
07/10/18 - bc
Pins 48N03W06S20E, 3225 & 3226 out to RW (19)

Notes:

Plat maps have been obtained by reference to the same job as when sufficient information was then available. Area shown is not
Assessment Area, Twp20S06E, where applicable, has been subdivided. Distances and curve lengths have been set may not
be shown due to scale limitations. Dimensions in parentheses within section corners are not shown.

LOCATION OF ROAD B-CORNER ARE BASED ON AVAILABLE ROAD INFORMATION AND MAY OR MAY NOT BE PUBLIC

Physical Identification Number (PIN) are computed as follows: Roadway PIN = C-5357, 48N03W, 06S20E = C5357480320E

Utilities: Telephone and Power Co. as 50N03W10E and 7500 Roadway PIN = 50N03W10E7500 of 50N03W10E7500

Legend

(C-5357) Subcode

06N03W14 Parcel (ID# PIN)

Legal Areas

Plat Boundaries

City Limits

Private Roads

GCDB_Corners

GCDB_Lines

Road RW

Railroad

City Limits

Plat Boundaries

GCDB_Corners

GCDB_Lines

Road RW

Railroad

City Limits

Plat Boundaries

GCDB_Corners

GCDB_Lines

Road RW

Railroad

City Limits

Plat Boundaries

GCDB_Corners

GCDB_Lines

Road RW

Railroad

City Limits

Plat Boundaries

GCDB_Corners

GCDB_Lines

Road RW

Railroad

City Limits

Plat Boundaries

GCDB_Corners

GCDB_Lines

Road RW

Railroad

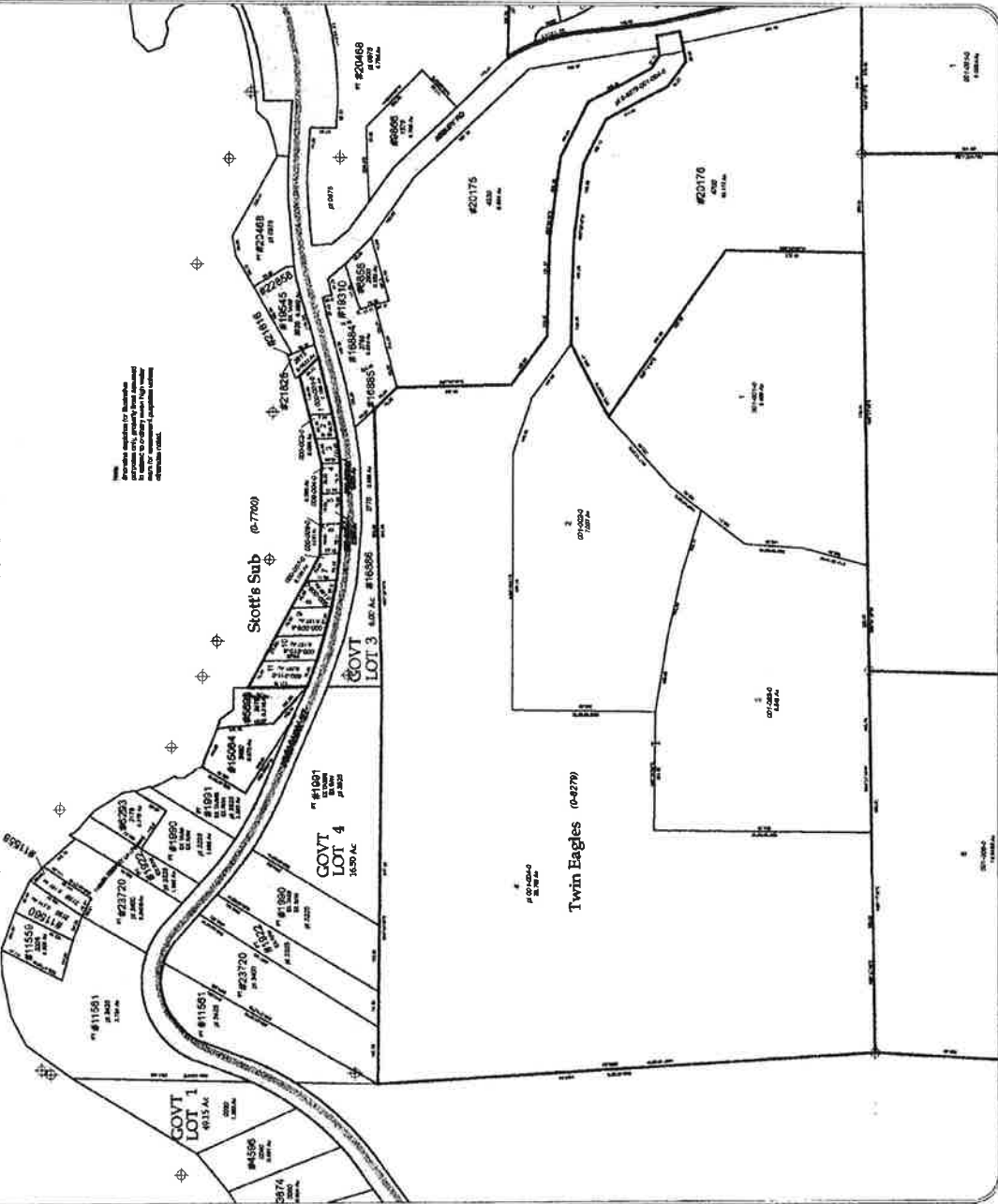
City Limits

Plat Boundaries

GCDB_Corners

GCDB_Lines

LAKE COEUR D'ALENE



NW Sec. 06 Twp 48 N. R. 3 W. B. M.



Maptile: 48N03W06NW

ESCROW NO. 41871AM

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
AT THE REQUEST OF
PIONEER TITLE COMPANY

FEB 19 2 40 PM '92

TEH LAGGART
Thomas J. Laggart
DEPUTY
FEES 15.00

1248183

WATER EASEMENT

GRANT of EASEMENT made February , 1992, between JOSEPH P. SPALDING and MAXINE SPALDING, husband and wife, as "Grantor," and TED J. LINGARD and AMY A. LINGARD, husband and wife, of COEUR D'ALENE, Idaho, as "Grantee."

Grantor is the owner of a tract of land more fully described on Exhibit "A" attached hereto and incorporated herein;

The Grantee is the owner of a tract of land more fully described on Exhibit "B" attached hereto and incorporated herein;

There is on the above-mentioned tract of land of Grantor a well, together with casing, pump, well house, pressure tank, and other fixtures used in connection therewith, belonging to Grantor.

NOW THEREFORE, Grantor for sufficient consideration, and subject to the conditions set forth in this Grant of Easement, does hereby grant, sell, and convey to Grantee, his heirs, and assigns, forever, a nonexclusive easement in and to the above-mentioned well, and of the water from the well, for domestic purposes only; and further grants to the Grantee a right to convey such water from the well to Grantee's above-described tract of land, over the existing pipe or any replacement pipe that follows the route of the existing pipe.

This Grant is made on the condition that Grantee, his heirs and assigns, shall bear all expenses incurred in the operation of the above-mentioned pump and fixtures and all the expenses connected with the maintenance of the well and all accessories thereto, in proportion to the Grantees use of the water from the well; and that Grantee, his heirs and assigns, shall bear all expenses

1248183

from and shall keep and maintain the pipe providing water to the property of the Grantee in good order so that there will be no leakage or seepage therefrom, or any defects that may cause injury to the land and premises of Grantor.

This Grant is further conditional on the retained rights of the Grantor, his heirs and assigns to use the well and water from it for domestic purposes for additional single family residences; at no time shall this Grant of easement be deemed to be exclusive in the Grantee or limit the Grantor's rights of retained use.

IN WITNESS WHEREOF, Grantor has hereunto set their hand on the date first above-written

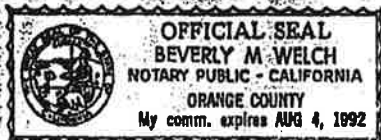
Joseph P. Spalding
Grantor

Melaine Spalding
Grantor

1248183

STATE OF ~~IDAHO~~ *California*)
County of *Kootenai Orange*) ss.

On this 18th day of February, 1992, before me, a Notary Public in and for the State of Idaho, personally appeared JOSEPH P. SPALDING and MAXINE SPALDING, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Beverly M. Welch
Notary Public for Idaho *California*
Residing at: *Costa Mesa Ca*
My commission expires: 8-4-92

STATE OF IDAHO)
County of Kootenai) ss.

I hereby certify that this instrument was filed for record at the request of TED J. LINGARD and AMY A. LINGARD husband and wife, at _____ minutes past _____ o'clock, .m., this _____ day of _____, 1992, in my office, and duly recorded in Book _____ of Deeds at Page _____.

Ex-Officio Recorder

By: _____
Deputy

1248183

EXHIBIT "A"

The real property which is the subject of this Quiet Title action is commonly known as Route 2, Box 164D, Harrison, ID 83833, and is more fully described as:

Beginning at a point which bears South 89°35' East 692 feet from the Northwest corner of Lot 4, Section 6, Township 48 North, Range 3 W.B.M., Kootenai County, Idaho; thence Southeasterly along Lake Coeur d'Alene 140 feet, for the beginning point for this description; thence South 29°50' West 760 feet more or less to South line of said Lot 4; thence Easterly along South line of Lot 4, 600 feet more or less, to East line of Lot 4; thence Northerly along East line of Lot 4 to Coeur d'Alene Lake; thence Northwesterly along lake shore to place of beginning for this description.

EXCEPT a tract of land described as follows: A tract of land in Government Lot 4, Section 6, Township 48 North, Range 3, W.B.M., Kootenai County, Idaho described as: Beginning at a point on the East line of said Government Lot 4 and on the shore of Lake Coeur d'Alene, which point is corner No. 1, of Stott's Subdivision and is marked by an iron pipe; thence South along the East line of Government Lot 4 a distance of 151.89 feet to a point on the North right of way line of State Highway 95A, said point being corner No. 16 of Stott's Subdivision and marked by an iron pipe; thence North 48°43' West, 121.75 feet to a point on the North line of Bella's road; thence North 6°28' West 137.87 feet to a point on the shore of Lake Coeur d'Alene; thence along the shore of Lake Coeur d'Alene South 50°35' East 125.55 feet to the point of beginning, including riparian rights and shore lands between the extended East and West side lines.

ALSO EXCEPT:

A part of Government Lot 4, Section 6, Township 48 North, Range 3 W.B.M., Kootenai County, Idaho, according to the Record of Survey by John W. Howe, PLS 032; more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 4 (NW 1/16 corner), monumented with an iron pipe, 1 inch diameter;

thence North 0°37'30" West, 109.15 feet (of record as North 107.44 feet and 107.07 feet) along the East boundary of said Lot 4 to the Point of Beginning;

thence North 68°35'06" West, 82.30 feet along the Easterly boundary of the U.S. Highway 97 right of way to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 032;

thence North 50°23'39" West, 219.00 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 032;

thence North 29°50'05" East, 129.76 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 032 on the approximate normal point of Lake Coeur d'Alene;

thence along the normal point of Lake Coeur d'Alene, the meander of which is South 03°43'15" East, 110.05 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 032;

thence South 6°44'04" East, 141.10 feet along the Easterly boundary of Tax Tract 1001 (of record as South 6°20' East) to an iron spike;

thence South 40°20'27" East, 110.14 feet along the boundary of Tax Tract 1001 (of record as South 40°43' East, 121.75 feet) to the Point of Beginning.

EXHIBIT "B"

1248153

A part of Government Lot 4, Section 6, Township 48 North, Range 3 W.B.M., Kootenai County, Idaho, according to the Record of Survey by John W. Howe, PLS 832; more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 4 (NW 1/16 corner), monumented with an iron pipe, 1 inch diameter;

thence North $0^{\circ} 37'30''$ West, 109.15 feet (of record as North 187.44 feet and 107.87 feet) along the East boundary of said Lot 4 to the Point of Beginning.

thence North $68^{\circ} 35'06''$ West, 92.30 feet along the Northerly boundary of the U.S. Highway 97 right of way to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 832;

thence North $56^{\circ} 23'39''$ West, 219.00 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 832;

thence North $29^{\circ} 50'05''$ East, 129.76 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 832 on the approximate normal pool of Lake Coeur d'Alene;

thence along the normal pool of Lake Coeur d'Alene, the meander of which is South $63^{\circ} 43'15''$ East, 110.05 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 832;

thence South $6^{\circ} 44'04''$ East, 141.10 feet along the Easterly boundary of Tax Number 1991 (of record as South $6^{\circ} 20'$ East) to an iron spike;

thence South $48^{\circ} 20'27''$ East, 119.14 feet along the boundary of Tax Number 1991 (of record as South $40^{\circ} 43'$ East, 121.75 feet) to the Point of Beginning.